

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE HERLEY INDUSTRIES INC.
SECURITIES LITIGATION

No. 06-CV-2596 (JRS)

**PLAINTIFF'S MOTION TO COMPEL THE APPEARANCE OF PATRICIA SALINA
DJEMIL, GEORGE ROUNSAVILLE, AND ROZALIE SCHACHTER AT TRIAL
IN PLAINTIFF'S CASE IN CHIEF**

Plaintiffs hereby move, pursuant to the declaration of Andrew M. McNeela, Esq., and Plaintiff's accompanying Memorandum of Law, for an Order: (i) compelling defendant Herley Industries Inc. to produce Patricia Salina Djemil, George Rounsville, and Rozalie Schachter (the "Herley Witnesses") at trial as witnesses in Plaintiff's case-in-chief; and (ii) that the subpoenas issued to the Herley Witnesses are enforceable and noncompliance therewith is punishable as contempt of court, pursuant to Rule 45(e) of the Federal Rules of Civil Procedure. The grounds for the Motion are set forth in the accompanying Memorandum of Law, which is incorporated by reference.

Dated: May 18, 2010
New York, New York

Respectfully submitted,

KIRBY McINERNEY LLP

By: /s/ Ira M. Press

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